

Remarks

In response to the Office Action mailed on August 17, 2006, the Applicants respectfully request reconsideration based on the above claim amendments and the following remarks.

In the present application, independent claims 1, 20, 21, and 26 have been amended and claims 11 and 13-19 have been cancelled without prejudice or disclaimer. The claims have been amended to specify receiving a first instruction from a first operating system on the first computer for execution, the first instruction being compatible with the first operating system and incompatible with a second operating system on the second computer; translating, utilizing a device driver in the first operating system on the first computer, the first instruction into non-proprietary data defining at least one XML item, wherein the device driver formats the first instruction into at least one XML element corresponding to the first instruction; transmitting the data defining at least one XML item from the first computer to the second computer; translating, utilizing a device driver in the second operating system on the second computer, the data defining at least one XML item into a second instruction, wherein the device driver translates the at least one XML element corresponding to the first instruction into the second instruction, the second instruction being compatible with the second operating system on the second computer and incompatible with the first operating system on the first computer, said second instruction corresponding to the first instruction for execution on the second computer; and remotely, from the first computer, executing said second instruction on said second computer. Support for these amendments may be found in paragraphs 0026-0028, 0035, 0039, and 0044 in the Specification. No new matter has been added.

In the Office Action, the Drawings and the Specification are objected. Claim 20 is rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-27

are rejected under 35 U.S.C. § 102(e) as being anticipated by Salmenkaita (U.S. Published Patent Application No. 2004/0176968).

Applicants' Statement of the Substance of the Interview

A telephonic interview between the undersigned representative for the Applicants and the Examiner was held on November 14, 2006 to discuss a proposed amendment to overcome the prior art rejection of claim 1 by Salmenkaita. In the interview, a discussion was held with respect to amending claim 1 (as well as additional claims) in order to clarify that the translation of instructions into an XML item is accomplished by a computer device driver translating instructions into one more XML elements for receipt on a second computer and which is then translated into an instruction understood by the second computer but not the first computer. It was also discussed clarifying that the first computer remotely executes the translated instruction on the second computer, that the second computer is incompatible with pre-translated instructions generated on the first computer, and that the first computer is incompatible with pre-translated instructions generated on the second computer.

Drawings

In response to the Examiner's objection to the drawings, corrected drawings for Figure 3 are being submitted in replacement and annotated drawing sheets which are submitted with the present Amendment for the Examiner's consideration. The replacement and annotated drawing sheets include the correction of the typographical errors noted by the Examiner in the boxes labeled 310 and 338. Accordingly, it is respectfully submitted that the objection to the drawings be withdrawn.

Specification

The abstract of the disclosure is objected to for exceeding 150 words. As reflected above in the section entitled “Amendments to the Specification,” the Abstract has been amended so that it no longer exceeds 150 words. Accordingly, the objection to the Abstract should be withdrawn.

Claim Objections

The claims are objected to for reciting two recitations of claim 26. Applicants duly note and have incorporated in the present Amendment, the renumbering of the second presentation of claim 26 as claim 27. Accordingly, the objection to claims should be withdrawn.

Claim Rejections - 35 U.S.C. §101

Claim 20 is rejected as being directed to non-statutory subject matter. In particular, it is alleged that the claim is directed towards a non-practical application of a computer system and software because the claim fails to convey an action that may be executed from stored software readable by a computer or that the software functionality can be actually carried out into real-world tangible data or results. In response, claim 20 has been amended to clarify that software is stored on a first computer system and a second computer system where, when the software is executed on the computer systems, the software is operable for identifying instructions compatible with an operating system on the first computer system, the instructions relating to generating system outputs, translating, utilizing a device driver in the operating system on the first computer system, the instructions into non-proprietary data defining an XML item, wherein the device driver formats the instructions into an XML element corresponding to the instructions, transmitting the data defining an XML item corresponding to the instructions relating to generating system outputs, and receiving XML items corresponding to user inputs for execution on the first computer system; identifying instructions compatible with an operating system on the

second computer system and incompatible with the operating system on the first computer system, the instructions relating to user inputs, translating, utilizing a device driver in the operating system on the second computer system, the instructions into non-proprietary data defining an XML item, wherein the device driver formats the instructions into an XML element corresponding to the instructions, transmitting the data defining XML items corresponding to the instructions relating to user inputs, and receiving XML items corresponding to generating outputs from the first computer system for execution on the second computer system.

Based on the foregoing, it is respectfully submitted that amended claim 20 recites at least one executable action from stored software readable by a computer system which, when carried out, performs a real-world tangible result. Therefore, it is respectfully submitted that the rejection of claim 20 as being directed to non-statutory subject matter, be withdrawn.

Claim Rejections - 35 U.S.C. §102

Claims 1-27 are rejected as being anticipated by Salmenkaita. Claims 11 and 13-19 have been cancelled without prejudice or disclaimer making the rejection of these claims moot. The rejection of the remaining claims is respectfully traversed.

Amended independent claim 1 specifies a method for providing remote computer access on a second computer from a first computer over a network. The method includes receiving a first instruction from a first operating system on the first computer for execution, the first instruction being compatible with the first operating system and incompatible with a second operating system on the second computer; translating, utilizing a device driver in the first operating system on the first computer, the first instruction into non-proprietary data defining at least one XML item, wherein the device driver formats the first instruction into at least one XML element corresponding to the first instruction; transmitting the data defining at least one XML

item from the first computer to the second computer; translating, utilizing a device driver in the second operating system on the second computer, the data defining at least one XML item into a second instruction, wherein the device driver translates the at least one XML element corresponding to the first instruction into the second instruction, the second instruction being compatible with the second operating system on the second computer and incompatible with the first operating system on the first computer, said second instruction corresponding to the first instruction for execution on the second computer; and remotely, from the first computer, executing said second instruction on said second computer.

It is respectfully submitted that Salmenkaita fails to teach each and every feature specified in amended claim 1. Salmenkaita discusses a system for using voice commands from a wireless device which correspond to voice short-cuts of user services accessed from the wireless device. The voice short-cuts may be voice XML tags for the user services. A network server identifies a service with a voice short-cut matching a user's voice command (see paragraphs 0008 and 0052).

Salmenkaita, however, fails to disclose two computer systems having operating systems which generate incompatible instructions (with respect to each other) and which instructions are translated utilizing an operating system device driver for translating the incompatible instructions to XML by formatting the instructions into a corresponding XML element. In particular, the network server discussed in Salmenkaita identifies already created XML tags for matching user voice commands made from the wireless device but fails to format received instructions into an XML element corresponding to instructions generated by a computer operating system, as specified in amended claim 1. Salmenkaita further fails to disclose the translation of received XML data from the first computer system into an instruction which is compatible on the second

computer system but incompatible (after translation) on the first computer system, as specified in amended claim 1. For example, Salmenkaita fails to disclose the translation of XML voice short-cuts, after being received at the network server, into incompatible instructions with respect to the wireless device. In fact, Salmenkaita discloses receiving voice command data and short-cuts from the wireless device and using this information without any translation whatsoever (see paragraph 0052).

Based on the foregoing, it is respectfully submitted that amended independent claim 1 is allowable and the rejection of this claim should be withdrawn. Claims 2-10 and 12 each depend from amended independent claim 1 and thus specify at least the same features. Therefore, these claims are allowable for at least the same reasons. Amended independent claims 20, 21, and 26 specify similar features as amended independent claim 1 and thus are also allowable for at least the same reasons. Claims 22-25 and 27 depend from amended independent claims 21 and 26, respectively, and thus specify at least the same features. Therefore, these claims are also allowable for at least the same reasons. Accordingly, the rejection of claims 2-10, 12, and 20-27 should also be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

The present Amendment is being filed with a request and payment for a two-month extension of time. Please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Date: January 3, 2007

Respectfully submitted,

/Alton Hornsby III/

Alton Hornsby III, Reg. #47299

Withers & Keys, LLC
P.O. Box 71355
Marietta, GA 30007-1355
(678) 565-4748